MICHIGAN LAWS

Pertaining To

PHARMACY

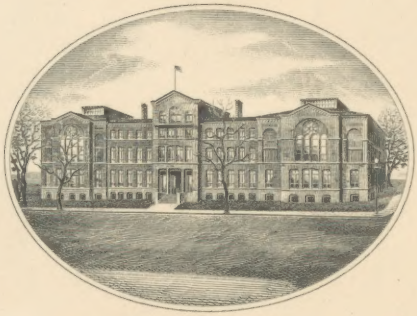
Compiled August 1, 1945

By

F. H. TAFT
Director of Drugs and Drug Stores

and

HAROLD G. SEYFFERT
Executive Secretary
Michigan State Pharmaceutical Association



MICHIGAN BOARD OF PHARMACY

502 OLDS TOWER, LANSING 8

A. G. BUCHMAN, President, Iron Mountain

JAMES W. LYONS, Vice-President, Detroit

ELMER T. BENSON, Muskegon

HARRY J. PATERSON, Alma

LEON S. LUKASZEWSKI, Hamtramck

F. H. TAFT, Secretary, Lansing

GENERAL INDEX

PHARMACY ACT

An Act to regulate the practice of pharmacy in the State of Michigan.

[Act 134, P. A. 1885.]

The People of the State of Michigan enact:

§ 6825. Section 1. That the governor, with the advice and consent of the senate, shall, within thirty days after the passage of this act, appoint five persons and annually thereafter one person from among such competent pharmacists in the state as have had ten years' practical experience in dispensing physician's prescriptions, who shall constitute the Michigan board of pharmacy. The terms of office of said five persons shall be so arranged that the term of one shall expire on the thirty-first day of December of each year, and all appointments made thereafter shall be for the term of five years, and until their successors are appointed and qualified.

Am. 1921, Act 120.

§ 6826. Sec. 2. The said board shall, within thirty days after its appointment meet and organize, by the election of a president and vice-president from its own members who shall hold their respective offices for the term of one year, and until their successors are elected and qualified, and shall perform such duties as shall from time to time be prescribed by the board. Any person authorized to receive money for the board, before entering upon his duties shall give bond to the people of the state conditioned for the faithful receipt, disbursement and accounting for, in accordance with this act, of all moneys that may come into his hands in an amount to be fixed by the board, undersigned by a responsible surety company at the expense of the board, to be at all times under the approval of the state administrative board, which bond shall be filed in the office of the secretary of state.

Am. 1921, Act 120; 1925, Act 58.

§ 6827. Sec. 3 The members of the board shall each receive the sum of ten dollars for every day actually engaged in the service of the board, but for not more than thirty days in any one year, and their traveling expenses incurred in the performance of their official duties. The board may employ such assistants, clerks, stenographers, or other employes, as it may deem necessary, such employes to receive such compensation as shall be approved by the state legislature. All fees and charges of said board shall be paid to the secretary who shall deposit same with the state treasurer and credited to the general fund. All salaries and expenses shall be paid from the fees received under the provisions of this act. The board shall at the close of each fiscal year, cause to be made an annual report to the state administrative board and to the Michigan state pharmaceutical association of all moneys received by and disbursed by it under the provisions of this act.

Am. Id; Am. 1933, Act 68; Am. 1934, Extra Session, Act 4.

§ 6828. Sec. 4. The state board of pharmacy shall have the power: To make such by-laws, rules and regulations not inconsistent with the laws of the state, as may be necessary for the protection of the public health and the lawful performance of its powers; to investigate all complaints as to quality and strength of all drugs and medicines, and to take such action as said board may deem necessary to prevent the sale of drugs and medicines that are adulterated or misbranded under act number one hundred forty-six, public acts of nineteen hundred nine, and acts amendatory thereof, entitled "An act to prohibit and prevent adulteration, misbranding, fraud and deception in the manufacture and sale of drugs and drug products in the state of Michigan, and to provide for the enforcement thereof", and any other law of the state; to appoint and employ a director of drugs and drug stores, who shall have authority to represent said board at all times, whose duty it shall be to enforce and carry out the provisions of this act, and the rules and regulations of said board, who shall be at all times subject to and under the direction and control of said board, and at whose request the president of said board shall from time to time call meetings thereof; to employ such persons as the said board may deem necessary and shall authorize, at such salaries as shall be approved by the state administrative board, who, besides the members of the board, may inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed, all inspectors and other employes to receive their traveling and other necessary expenses incurred in the performance of their duties; to hold meetings at such places in this state as the board may determine for the examination of applicants for registration and the transaction of such other business as shall pertain to the duties of the board, three times each year, said meetings to be held on the third Tuesday in the months of February, June and August, and to hold such special meetings and examinations, as shall from time to time be deemed necessary by a majority of the board for the due performance of the duties of the board; to send such representation from the membership of the board to meetings of the American pharmaceutical association as a majority of the board may deem expedient and necessary, if the board decide that such attendance will assist them in establishing better protection for the public and aid the board in better performance of its duties; to license pharmacists; to keep a book of registration in which shall be entered the names and places of business of all persons registered under this act, which book shall also specify such facts as all such persons shall claim to justify their registration. The records of said board or a copy of any part thereof, certified by any officer of the board to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of the state. Three members of said board shall constitute a quorum; to examine all applicants for registration, and to issue one grade of certificate to be known as "registered pharmacist"; to investigate all alleged violations of the provisions of this act or any other law of this state regulating the dispensing or sale of drugs, medicines or poisons or the practice of pharmacy which may come to its attention and whenever there appears reasonable cause therefor to bring the same to the attention of the proper prosecuting authorities.

Am. 1921, Act 120; 1925, Act 58; 1931, Act 311.

§ 6829. Sec. 5. From and after the first day of July, nineteen hundred twenty-one, it shall be unlawful for any person, firm or corporation to engage in the business of selling at retail, drugs and poisons or compounding prescriptions, except those who are exempted from registration under section eighteen of this act, without first securing from the state board of pharmacy a license as hereinafter provided for each separate place in which said business is to be carried on. Application for such license shall be in writing and shall be accompanied by a payment to said board of the sum of three dollars as a license fee. Such licenses shall be valid for a period of one year commencing on July first and ending on the thirtieth day of the next June, and such license shall contain the name of the licensee and the address of the place at which said business will be conducted. Every person, firm or corporation, and every member or officer thereof that shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be liable to the penalties provided in section thirty-two of this act.

Am. 1921, Act 120.

§ 6830. Sec. 5-a. It shall be the duty of registered pharmacists who take into their employ an apprentice for the purpose of becoming a pharmacist to require such applicant to apply to said board of pharmacy for registration as apprentice, and the said board of pharmacy shall have the right to require such an examination as shall establish the educational qualifications of the applicant, and the date of experience required of applicants for registered pharmacists, shall be computed from the date of registration as apprentice. In computing the period of service as an apprentice under this act, forty-eight hours shall be construed as one week's time. The board of pharmacy shall furnish proper blanks for this purpose and issue a certificate of registration as a registered apprentice upon the payment of one dollar.

Added, 1921, Act 120; Am. 1931, Act 311.

§ 6831. Sec. 6. Every person receiving a certificate or license under this act shall keep the same conspicuously exposed in his place of business and every registered pharmacist or registered assistant pharmacist shall within ten days after changing his place of business or employment, as designated by his certificate, notify the board of his new place of business or employment. The board shall preserve and keep a record of all certificates issued by former boards and keep a record of all certificates issued by it, and such records shall at all times be open to inspection, as are other public records.

Am. 1921, Act 120; 1925, Act 58.

§ 6832. Sec. 7. Any person who shall, at the time this act takes effect, lawfully hold a certificate as a registered pharmacist or assistant registered pharmacist, shall be entitled to the privileges granted by such certificate until January one, nineteen hundred six, and no longer, and such persons shall be entitled to re-registration on or before January one, nineteen hundred six, without examination upon payment of the fees herein specified.

§ 6833. Sec. 8. From and after the taking effect of this act, every place in which drugs, medicines or poisons are retailed or dispensed or physicians' prescriptions compounded, shall be deemed a pharmacy

or drug store, and the same shall be in charge of and under the supervision of a registered pharmacist, and subject to the provisions of this act.

§ 6834. Sec. 9. Any person registered under the provisions of this act who shall give, sell, furnish, or offer for sale, directly or indirectly, any morphine, its salts and its derivatives, except to or upon the order of legally practicing physicians, dentists, veterinary surgeons, original prescriptions which shall not be refilled or a copy thereof given to any person, shall be guilty of a misdemeanor, and upon conviction of same shall be punished by a fine or imprisonment or both, as hereinafter provided: Provided, That the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers, to retail druggists or legally practicing physicians, or to each other, or to druggists and pharmacists if sold in original packages only, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions.

§ 6835. Sec. 10. A registered assistant pharmacist may be employed for the purpose of dispensing, compounding or retailing drugs, medicines and poisons, in any pharmacy, drug store or place in which drugs, medicines and poisons are compounded or retailed under the management and supervision of a registered pharmacist and during his temporary absence therefrom.

Am. 1921, Act 120; 1925, Act 58; 1931, Act 311.

§ 6836. Sec. 11. Except as specified in section seven, of this act, no person shall be granted a certificate as a registered pharmacist until he shall have made application to the board, setting forth by affidavit that he is at least twenty-one years of age, that he has had at least two years' practical experience in pharmaceutical work in a place where drugs, medicines and poisons were dispensed and retailed, and presciptions compounded, and shall furnish satisfactory evidence to the board that he has completed twelfth grade work in the public schools or in any other duly accredited school, and two years of college work in an accredited college of pharmacy, recognized by the board, and must be a citizen of the United States, and until he has paid such examination and certificate fees as shall be fixed by the board, not exceeding the sum of twenty dollars, as an examination fee, and twenty dollars, as a certificate fee, and until he has passed an examination satisfactory to said board for the granting of such certificate: Provided, however, That on and after January one, nineteen hundred thirty-eight, every applicant for such a certificate shall furnish satisfactory evidence that he graduated from an accredited school or college of pharmacy: Provided further, That the number of years over two completed in an accredited school or college of pharmacy, shall be credited against the requirement of two years of practical experience in pharmaceutical work.

Am. Id; Am. 1935, P. A. 72.

§ 6837. Sec. 12. In case of failure of an applicant upon his first application to pass a satisfactory examination before the said board,

all subsequent examinations shall be granted upon the payment of ten dollars by applicant for registered pharmacist.

Am. 1931, Act 311.
Sec. 13. Repealing clause.

§ 6839. Sec. 13. The board may in its discretion also grant certificates of registration without further examination to the licentiates of such other boards of pharmacy as it may deem proper upon the payment of a fee of not to exceed fifty dollars.

Am. 1925, Act 58; 1931, Act 311.
This section was erroneously numbered 13 by the amendatory act of 1905, which added sections 13 to 33 inclusive.

§ 6840. Sec. 14. It shall be unlawful for any one but a registered pharmacist under this act, who shall conform to the rules and regulations of the state board of pharmacy to take, use and exhibit the titles "pharmacist," "druggist," "pharmacy" and "drug store," or any term, sign or device implying same and to have charge of, engage in or carry on for himself or for another, the dispensing, compounding or sale of drugs, medicines or poisons anywhere within the state, but no registered pharmacist shall have personal supervision of more than one pharmacy or drug store at the same time.

§ 6841. Sec. 15. Except as prescribed by the provisions of this act, it shall not be lawful for any person to practice as a registered pharmacist, registered assistant pharmacist, or advertise himself by sign or otherwise to be such, or to engage in, conduct, carry on, or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this state: Provided, This section and the preceding section shall not be construed as precluding any person from owning a drug store or pharmacy if all of the pharmaceutical work in the same shall be under the personal supervision and direction of a registered pharmacist.

Am. 1931, Act 311.

§ 6842. Sec. 16. No pharmaceutical preparation sold or dispensed in a pharmacy, dispensary, store or place shall be adulterated or misbranded within the meaning of act one hundred forty-six, public acts of nineteen hundred nine, or acts amendatory thereof or any law of the state.

§ 6843. Sec. 17. Every proprietor of a wholesale, or retail drug store, pharmacy, or other place where drugs, medicines or chemicals are compounded, dispensed or sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him except those articles or preparations known as patent or proprietary medicines.

§ 6844. Sec. 18. Nothing in this act shall apply to the practice of a practitioner of medicine, who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, or to the sale of Paris green, white hellebore and other poisons for destroying insects, or any substance for use in the arts, or the manufacture and sale of proprietary medicines, or to the sale by merchants of ammonia, bicarbonate of soda, borax, camphor,

castor oil, cream of tartar, dye stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring essence or extracts, glycerine, licorice, olive oil, sal ammoniac, saltpetre, sal soda and sulphur, except as herein provided: Provided, however, That in the several towns of this state, where there is no registered pharmacist within five miles, physicians may compound medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act, and merchants and drug dealers may sell any drugs, medicines, chemicals, essential oils, and tinctures which are put up in bottles, boxes, packages, bearing labels securely affixed, which labels shall bear the name of the pharmacist putting up the same, the dose that may be administered to persons three months, six months, one year, three years, five years, ten years, fifteen and twenty-one years of age, and if a poison, the name or names of the most prominent antidotes; and to the sale by such merchant of copperas, borax, blue vitriol, saltpetre, pepper, sulphur, brimstone, Paris green, licorice, sage, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber salts, epsom salts, cream of tartar, bicarbonate of soda, sugar of lead and such acids as are used in coloring and tanning, paregoric, essence of peppermint, essence of ginger, essence of cinnamon, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, sweet spirits of nitre, quinine, and all other preparations of cinchona bark, tincture of aconite and tincture of iron, or quinine pills, and to the sale of carbolic acid, laudanum, sugar of lead, oxalic acid, duly labeling and registering the same as required by this act; and to the sale of any patent or proprietary medicines.

§ 6845. Sec.19. The state board of pharmacy shall have the power to withhold a license from any applicant whenever it shall be satisfied that the safety of the public health will be endangered by reason of the habits or character of such applicant. If any registered pharmacist or registered assistant pharmacist shall have obtained a license by misrepresentation, error or fraud, or shall have become unfit or incompetent to practice pharmacy by reason of habitual intemperance, or the use of drugs; or has been convicted of any crime involving moral turpitude; or if any person holding a certificate as a registered pharmacist or a registered assistant pharmacist shall have been convicted a second time of a violation of the pharmacy, narcotic, general liquor or other drug laws of this state, in any court of the state, the state board of pharmacy shall have the power to revoke or suspend such license or certificate after giving any such person reasonable notice and an opportunity to be heard; and if any person licensed under this act shall wilfully and repeatedly violate any of the provisions of this act, such board may revoke or suspend his license or licenses issued by said board, upon sufficient evidence of such violation in addition to any other penalty by the law imposed for such violation.

Am. 1921, Act 120.

§ 6846. Sec. 20. Whenever the board shall revoke or suspend the registration of any registered pharmacist or registered assistant pharmacist it shall notify such registered or licensed person of such action and he shall immediately deliver to the board or its representative his certificate or license of registration.

Am. 1931, Act 311.

§ 6847. Sec. 21. Any person who shall attempt to procure, or who shall procure a certificate of registration for himself, or for any other person, under this act by making or causing to be made any false representations; any licensed pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store or place of business by any person or persons not licensed or registered under the provisions of this act; any person not licensed by said board who shall prepare or dispense a medical prescription or physician's prescription or dispense, give or sell at retail poisons or medicines, except under the immediate supervision of a duly licensed pharmacist whose certificate, license or registration is displayed in the place where the same is furnished, prepared, dispensed or sold; any person not licensed by said board, who shall open, conduct or have charge of any pharmacy or drug store which is not under the direct supervision of a registered pharmacist for retailing, dispensing or compounding medicines or poisons; any person who shall fraudulently represent himself to be licensed; any person who knowingly refuses to permit any member of said board of inspectors of pharmacy employed by said board to enter a pharmacy or drug store for the purpose of lawfully inspecting the same; any person who directly or indirectly prevents or attempts to prevent the lawful inspection of any place in which drugs, medicines or poisons are retailed, or dispensed or physicians' prescriptions compounded; any person whose license or certificate of registration has expired or has been duly revoked or suspended by said board, and who refuses to surrender his certificate or license to said board; any person who holds a license or certificate of registration and who fails to display the same as hereinabove provided; or any person who shall violate any of the provisions of this act, in relation to retailing, compounding and dispensing of drugs, medicines and poisons, for which violation no other penalty is hereinbefore imposed, shall, for such offense be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished in accordance with the terms of the general penal clause of this act as hereinafter set forth.

§ 6848. Sec. 22. Any person who shall knowingly, wilfully or fradulently falsify or adulterate any drug, medical substance or preparation used or intended to be used as a medicine or shall knowingly or wilfully or fraudulently offer for sale, sell or give away or cause the same to be sold or given away, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter prescribed, and all drugs, medicinal substances or preparations so falsified or adulterated shall be forfeited to and destroyed by the Michigan board of pharmacy or its duly authorized representative.

§ 6849. Sec. 23. It shall be unlawful for any person or persons licensed under the provisions of this act to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth without affixing or causing to be affixed to the bottle, box, vessel or package, a label containing the name of the article and the word "poison" distinctly shown, together with the name and place of business of the seller all printed in red ink, and the name of such poison printed or written thereupon in plain legible characters, except when sold in the original package of the manufacturer, which conform to the requirements for the wholesale dealers, as hereinafter set forth. The follow-

ing are the schedules:

Schedule "A."

Arsenic, cyanide of potassium, hydrocyanic acid, strychnia, and all poisonous alkaloids and their salts, oil of bitter almonds containing hydrocyanic acid.

Schedule "B."

Aconite, belladonna, cantharides, cochicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum viride and other pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, Paris green, salts of lead, salts of zinc, white hellebore, or any drug, chemical or preparation, which according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less.

Am. 1921, Act 120.

§ 6850. Sec. 24. Every person licensed under the provisions of this act who shall give, sell or dispose of at retail any poisons included under schedule "A" shall before delivering the same, make or cause to be made, an entry in a book to be kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. Nor shall any such person deliver any such poison without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose: Provided, however, That the foregoing portions of this section shall not apply to the dispensing of medicines or poisons on the physician's prescriptions.

§ 6851. Sec. 25. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall fix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated in schedules "A" and "B" of this act, a suitable label or brand in red ink with the word "poison" upon it.

§ 6852. Sec. 26. The giving of a false or fictitious name to the apothecary, druggist or other person from whom such poison was purchased, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars.

§ 6855. Sec. 29. Every registered pharmacist or registered assistant pharmacist dispensing and compounding medicines, shall be exempt and free from all jury duty in the courts of this state.

Am. 1931, Act 311.

§ 6856. Sec. 30. Nothing in this act shall be construed to interfere with or preclude any legally practicing physician from prescribing, dispensing, compounding, or giving any medicines or poisons to his patients, in the regular course of his practice as such physician.

§ 6857. Sec. 31. It shall be the duty of this board, upon obtaining sufficient evidence of any violation of the provisions of this act, to lay the same before the prosecuting attorney of the county in which such violation shall take place and it shall be the duty of such prosecuting attorney to prosecute the same under this act or other general laws of the state.

§ 6858. Sec. 32. Every person, firm or corporation and every member or officer thereof that shall himself or through any agent, servant, employe or other person, directly or indirectly violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or imprisonment in the county jail for not less than ten days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Am. 1921, Act 120.

§ 6859. Sec. 33. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

UNIFORM NARCOTIC DRUG ACT

An Act to safeguard and regulate the legitimate use of and traffic in narcotic drugs; to suppress the illegitimate use, possession, control, sale, manufacture, production, disposition, administering, compounding, dispensing, prescribing and traffic in the same; to provide a penalty for any violation of the provisions of this act; and to repeal all acts and parts of acts in anywise contravening any of the provisions of this act.

[Act 343, P. A. 1937.]

The People of the State of Michigan enact:

Section 1. The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a licensed practitioner of medicine or osteopathy as defined by law in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a

store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the state director of drugs and drug stores as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the state director of drugs and drug stores as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employe.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Narcotic drugs" means coca leaves, opium, cannabis, and every substance neither chemically nor physically distinguishable from them.

The term "cannabis" as used in this act shall include all parts of the plant Cannabis Sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. This definition is to include marihuana and all allied plants of the cannabis family which are habit forming.

(14) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(15) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of internal revenue under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the state director of drugs and drug stores.

(16) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(17) "Registry number" means the number assigned to each person registered under the federal narcotic laws.

Sec. 2. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this act.

Sec. 3. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, and no person shall sell, prescribe, administer or dispense any narcotic drugs without having first obtained a license so to do from the state director of drugs and drug stores. Application for such license shall be in writing and shall be accompanied by the payment to said director of drugs and drug stores, the sum of one dollar as a license fee. Such licenses shall be valid for a period of one year commencing on July first and ending on the thirtieth day of the next June and each license shall contain the name of the licensee and the address of the place at which said business or profession will be conducted. All licenses shall be renewable annually on or before July first of each fiscal year.

Sec. 4. No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the state director of drug and drug stores:

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

(c) That the applicant is an apothecary or that he employs an apothecary to assume charge of the narcotic drugs and preparations in his possession or under his control.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

Sec. 5. (1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist, or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft, upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some state, territory or the District of Columbia to practice his profession, or to a retired commissioned medical offi-

cer of the United States army, navy or public health service employed upon such ship or aircraft for the actual medical needs of persons on board such ship or aircraft, when not in port: Provided, That such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft or to the physician, surgeon or retired commissioned medical officer of the United States army, navy or public health service employed upon such ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.

(c) To a person in a foreign country if the provisions of the federal narcotic laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employe engaged in the enforcement of this act. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the federal narcotic laws, respecting the requirements governing the use of order forms.

(4) Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory or District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States army, navy or public health service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this act.

Sec. 6. (1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employ engaged in the enforcement of this act. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medical purposes.

Sec. 7. (1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

(2) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

(3) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian, any unused portion of such drug, when it is no longer required by the patient.

Sec. 8. Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

(1) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, (a) not more than two grains of opium, (b) not more than one-quarter of a grain of morphine or of any of its salts, (c) not more than one grain of codeine or of any of its salts, (d) not more than one-eighth of a grain of heroin or of any of its salts, and not more than one of the drugs named above in clauses (a), (b), (c) and (d).

(2) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this act shall apply to all liniments, ointments, and other preparations, that contain coca leaves in any quantity or combination.

The exemptions authorized by this section shall be subject to the following conditions:

(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or more than one-half grain of

morphine or of any of its salts, or more than two grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty-eight consecutive hours, with more than one preparation exempted by this section from the operation of this act.

(b) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this act.

Sec. 9. (1) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients:

Provided, That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours, (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection five of this section.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection five of this section.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by section eight of this act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection five of this section.

(5) The form of records shall be prescribed by the state director of drugs and drug stores. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves and the proportion of resin contained in or producible from the plant Cannabis Sativa L. received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction or theft.

Sec. 10. (1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

Sec. 11. A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of section five of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Sec. 12. The provisions of this act restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or stor-

ing such drugs, or to any employe of the same acting within the scope of his employment; or to public officers or their employes in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employes or agents of persons lawfully entitled to possession or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

Sec. 13. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

Sec. 14. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

(b) Upon written application by the state commissioner of health, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to the state commissioner of health, for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within this state, not operated for private gain, the state commissioner of health may in his discretion deliver any narcotic drugs that have come into his custody by authority of this section to the applicant for medicinal use. The state commissioner of health may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics, or may destroy the same.

(d) The state commissioner of health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

Sec. 15. On the conviction of any person of the violation of any provision of this act, a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend

or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

Sec. 16 Prescriptions, orders, and records, required by this act, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

Sec. 17. (1) No person shall obtain or attempt to obtain a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or procure or attempt to procure the administration of a narcotic drug; or (b) by the forgery or alteration of a prescription, or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this act.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section eight of this act, in the same way as they apply to transactions under all other sections.

Sec. 18. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

Sec. 19. It is hereby made the duty of the state director of drugs and drug stores, his officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all county attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state and of all other states, relating to narcotic drugs.

Sec. 20. Any person violating any provision of this act shall be guilty of a felony, punishable by imprisonment in the state prison for not more than four years or by a fine of not more than two thousand dollars or by both such fine and imprisonment.

Sec. 21. No person shall be prosecuted for a violation of any provision of this act if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of this act.

Sec. 22. If any person makes a sworn complaint or affidavit before any magistrate authorized to issue warrants in criminal cases that any drugs, derivatives, compounds or preparations mentioned in section one of this act are being possessed, sold, dispensed, distributed or given away or kept for the purpose of being possessed, sold, dispensed, distributed or given away, contrary to law, or that such drugs, derivatives, compounds or preparations are stored or concealed temporarily or otherwise in any depot, freight house, express office or in any other building or place or in any vehicle or conveyance with the apparent intention of being delivered for the purpose of being possessed, sold, dispensed, distributed or given away, contrary to the provisions of this act or that the complainant or affiant believes and has good cause to believe that such drugs, derivatives, compounds or preparations are concealed in any barn, building, place, vehicle or conveyance, such magistrate, if he be satisfied there is reasonable cause for such belief, shall immediately issue his warrant to any officer whom the complainant may designate having power to serve criminal process, commanding him to search the premises described and designated in such complaint and warrant and if any drugs, derivatives, compounds or preparations are there found, to seize the same, together with bottles, cases, vessels or packages in which they are contained and all the implements, furniture, vehicles and conveyances used and kept for such illegal possessing, storing, selling, dispensing, distributing or giving away of such drugs, derivatives, compounds or preparations and then safely keep and make immediate return on said warrant. Such drugs and other articles seized, unless the same be owned by innocent third parties, shall be held subject to the order of such court or magistrate to be used as evidence in the prosecution for the violation of this act.

Sec. 23. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 24. This act shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it.

Sec. 25. All funds collected under this act shall be deposited with the state treasurer and credited to the general fund.

Sec. 26. Act number one hundred seventy-two of the public acts of nineteen hundred thirty-one, and all acts or parts of acts which are inconsistent with the provisions of this act, are hereby repealed.

Sec. 27. This act may be cited as the uniform narcotic drug act. This act is ordered to take immediate effect.

SALE OF STOCK REMEDIES
(Act 283 - 1931)

§ 5218. Live stock remedies defined; remedies excepted.

Sec. 1. The term "live stock remedy" shall be held to include all condimental feeds, medicated stock foods, medicinal stock foods, stock food tonics, stock powders, condition powders, conditioners, animal regulators, proprietary medicines, or any preparations of like nature in either solid or liquid form used for any animal except man, and administered internally for the purported purpose of stimulating, invigorating, curing ailments, or other reasons: Provided, That this act shall not apply to remedies prescribed and used by a veterinarian, regularly licensed in Michigan, for use in connection with his own practice, or to the preparation and sale of remedies by registered pharmacist or registered assistant pharmacists operating in licensed drug stores.

Approved June 6, 1931.

REPORTING PERSONAL INJURIES
(Part of Act 328 - 1931)

Sec. 411. Reporting personal injuries by hospitals, pharmacies and physicians. It shall be the duty of every person, firm or corporation conducting any hospital or pharmacy in this state, or the person managing or in charge of such hospital or pharmacy, or in charge of any ward or part of such hospital, to which any person or persons suffering from any wound or other injury inflicted by means of a knife, gun, pistol or other deadly weapon, or by other means of violence shall come or be brought, to report the same immediately, both by telephone and in writing, to the chief of police or other head of the police force of the village or city in which such hospital or pharmacy is located, or to the sheriff of the county, if such hospital or pharmacy is located outside the incorporated limits of a village or city. Such report shall state the name and residence of such person, if known, his whereabouts and the character and extent of such injuries. It shall also be the duty of every physician, or surgeon, who has under his charge or care any person suffering from any wound or injury, inflicted in the manner above mentioned, to make a like report to the appropriate officers hereinabove named.

Any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor.

(Act 140 P. A. of 1941)

§ 28.407 Sec. 1. VALERIUM, etc., sale, etc., of, prohibited; exceptions.

Sec. 210a. Sale, etc., of valerium, etc.—It shall be unlawful for any person, firm, partnership, association or corporation to sell, offer for

sale, barter, or otherwise dispose of, purchase, receive, or otherwise acquire, have in possession, carry or transport any oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate, except under the following conditions:

(a) Drug manufacturers and wholesale drug dealers may possess, sell, offer for sale, or otherwise dispose of, oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate to licensed physicians and surgeons, druggists, pharmacists or hospitals: Provided, however, That a record of all such sales shall be kept by such drug manufacturers and wholesale dealers, which record shall be open to inspection by any law enforcing officer, and that a report of any such sales shall be made out and forwarded within 48 hours to the commissioner of the Michigan state police.

(b) Retail druggists or pharmacists may possess and sell, offer for sale, or otherwise dispose of, oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate upon prescription of a licensed physician or surgeon. Such retail druggists or pharmacists shall keep a record of all such sales and prescriptions, which shall be open to inspection by any law enforcing officer and shall also make and forward a report containing the names and addresses of such persons, together with the amount of such drugs prescribed or sold, within 48 hours after sale thereof to the commissioner of the Michigan state police.

Any persons, excepting licensed physicians and surgeons, hospitals, and persons who have received such drugs on prescription in accordance with the provisions of this section, who shall violate any of the provisions of this section shall be guilty of a felony, punishable by imprisonment in the state prison for not less than 2 nor more than 5 years.

Approved May 29, 1941.

PROPHYLACTIC ACT
(Act No. 276, P. A. of 1941)

The People of the State of Michigan enact:

§ 14.353(1) Venereal prophylactic; definition of term.

Sec. 1. Definition. The following term as used in this act is hereby defined as follows: Venereal prophylactic: any article, device, appliance, drug, or other medicinal preparations designed or intended for the purpose of preventing syphilis, gonorrhea, chancroid, or such other diseases as may be defined as genito-infectious or venereal diseases by regulations of the Michigan department of health.

§ 14.353(2) Same; sale prohibited; exceptions; identification of manufacturer.

Sec. 2. It shall be unlawful for any person, firm, corporation, or association to sell, to offer for sale or to give away any such prophylactic article or drug either individually or through the medium of vending machines or by any other means: Provided, however, That the foregoing provisions shall not apply to (1) those licensed under Act No. 237 of the Public Acts of 1899, as amended, or (2) those licensed under Act No. 162 of the Public Acts of 1903, as amended, or (3) registered pharmacists while employed on the premises of a li-

censed drug store, or to wholesalers of such articles, devices, appliances, or medicinal preparations who sell to retail stores for resale. It is further provided that all and any such articles, devices, appliances, drugs or medicinal preparations herein described shall, when sold, offered for sale, given away or distributed whether at wholesale or retail in accordance with the provisions of this act, conspicuously bear the identification of the manufacturer thereon or on the retail container thereof. Such articles, devices, appliances, drugs or medicinal preparations shall comply with standards with respect to grade and quality as designated by the pure food and drug administration of the United States department of agriculture.

§ 14.353(3) Same; display or advertising prohibited; exceptions.

Sec. 3. It shall be unlawful to exhibit or display prophylactics in any show window, upon the streets, or in any public place, or to advertise such in any magazine, newspaper or other form of publication originating in, or published within the state of Michigan, to publish, or distribute from house to house or upon the streets, any circular, booklet or other form of advertising, or by other visual means, or by auditory method, or by the use of outside signs on stores, billboards, window displays or other advertising visible to persons upon the streets or public highways: Provided, however, That nothing in this act shall prevent the advertising of prophylactics in those magazines whose principal circulation is to the medical and pharmaceutical professions. It is further provided that nothing in this act shall prevent the display or exhibit of such articles, devices, appliances, or other medicinal preparations by federal, state, county, district or municipal departments of health, or incorporated medical, pharmaceutical or scientific organizations.

§ 14.353(4) Arrest of violators of act; seizure of merchandise.

Sec. 4. Any officer of the law shall be required to arrest any person violating any of the provisions of this act, to seize stocks so illegally held and to make seizure of any mechanical device or vending machine containing any merchandise coming within the provisions of this act; holding the owner of such machine, the proprietor and the owner of the premises where seizure is made to be in violation of this act.

§ 14.353(5) Penalty for violation of act; confiscation of merchandise.

Sec. 5. Any person, firm, corporation, or association or the officers or members of such firm, corporation, or association who or which knowingly violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof said person or persons shall be fined not to exceed $100.00, or imprisoned not to exceed 30 days in the county jail, or both such fine and imprisonment at the discretion of the court, and all property seized under the provisions of this act shall be destroyed.

§ 14.353(6) Severability clause.

Sec. 6. Should any provision of this act be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining portion of such section or of this act, it being the legislative intent that this act shall stand, notwithstanding the invalidity of any such provision or section.

§ 14.353(7) Repeal.

Sec. 7. All acts and parts of acts only in so far as inconsistent with the provisions of this act are hereby repealed.

Approved June 17, 1941.

ISSUANCE OF REGISTERED PHARMACIST CERTIFICATE TO REGISTERED ASSISTANT PHARMACIST
(Act No. 58 P. A. 1943)

The People of the State of Michigan enact:
Section amended.

Section 1. Section 1 of Act No. 403 of the Public Acts of 1913, as amended by Act No. 141 of the Public Acts of 1933, being section 6860 of the Compiled Laws of 1929, is hereby amended to read as follows:

§ 6860 (14.761) Pharmacist's certificate; issuance without examination.

Sec 1.. The state board of pharmacy is authorized and required to issue a certificate to any person as a registered pharmacist as provided by an act entitled "An act to regulate the practice of pharmacy in the state of Michigan," same being Act No. 134 of the Public Acts of 1885, approved June second, 1885, and amendments thereto, and to any person now registered as a registered assistant pharmacist in Michigan: Provided, That any such person shall forward to said board satisfactory proof supported by his affidavit, that he has been actively engaged in the practice of pharmacy in this state for 10 years since the granting to him of such registered assistant pharmacist certificate, without examination upon payment of the fees specified in said act and amendments thereto.

Approved March 31, 1943.

DANGEROUS DRUG ACT
(Act No. 204 P. A. of 1943) (Amended 1945)

The People of the State of Michigan enact:

§ 18.1101. Regulating sale and possession of certain drugs; hospital to keep records.

Sec. 1. Hereafter it shall be unlawful for any person, firm, partnership, association or corporation to sell, offer for sale, barter, or otherwise dispose of, or be in possession of any of the following drugs: barbituric acid and any of its derivatives, chloral hydrate, or paraldehyde, except under the following conditions:

(a) Manufacturers, wholesalers and retailers of drugs may sell, offer for sale, barter or otherwise dispose of, or be in possession of for

sale, to licensed physicians, dentists, veterinarians, druggists, pharmacists, police laboratories and public health laboratories or hospitals, any of the following dangerous drugs: barbituric acid and any of its derivatives, chloral hydrate, or paraldehyde: PROVIDED, HOWEVER, That a record of all such drugs, and their disposition, shall be kept, by the manufacturers, wholesalers or retailers, which record shall be open to inspection by an officer of any organized police force of this state or any prosecuting attorney or his investigators.

(b) Licensed physicians, dentists and veterinarians may dispense or prescribe barbituric acid and any of its derivatives, chloral hydrate or paraldehyde: PROVIDED, That a record of all such dispensations, except administration to a patient upon whom such physician, dentist or veterinarian shall personally attend, shall be kept showing the date when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the drug is dispensed, which record shall be open to inspection by any officer of any organized police force of this state or any prosecuting attorney or his investigators.

(c) Druggists and pharmacists shall be prohibited from selling, giving away, bartering or otherwise disposing of barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, except on prescription of a licensed physician, dentist or veterinarian, and except as such sale or possession is authorized under subdivision (a) of this section. It shall be the duty of all druggists and pharmacists to keep an accurate record of all disposals, which record shall be open to inspection by any officer of any organized police force of this state or any prosecuting attorney or his investigators.

(d) All hospitals shall keep a record of all dispositions of barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, which are not actually consumed on the premises by the patients, which record shall be open to inspection by any officer of any organized police force of this state or any prosecuting attorney or his investigators.

§ 18.1102. Same; unlawful possession; exceptions.

Sec. 2. It shall be unlawful for any person, firm, partnership, association or corporation, other than a drug manufacturer or wholesaler, licensed physician, licensed dentist, licensed veterinarian, licensed druggist or pharmacist, hospital, or police or public health laboratory, to have in possession any barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, unless the same are contained in the original container, as dispensed to them.

§ 18.1103. Dispensing container, marking.

Sec. 3. It shall be the duty of every licensed physician, dentist, veterinarian, druggist, pharmacist or hospital, when dispensing any barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, to mark on the dispensing container, the name of the patient, the date, and the name of the person dispensing the same.

§ 18.1104. Preservation of records.

Sec. 4. All records required to be kept under the provisions of this act shall be preserved for a period of 2 years.

[ACT 66, P. A. 1945]

Sec. 5. No prescription issued under the provisions of this act shall be refilled except under the following conditions:

Prescriptions may be refilled unless otherwise designated by the prescriber, for those products or preparations, or combinations of products or preparations, in which the barbituric acid and/or its derivatives are not the principal medicinal ingredients contained in said product or preparation.

The Michigan state board of pharmacy shall issue a directive within 3 months from the date of enactment of this act, and every 6 months thereafter if additions or deletions are made, setting forth the products or preparations, or combinations of products or preparations, of barbituric acid and/or its derivatives for which prescriptions may be refilled unless otherwise designated by the prescriber. The Michigan board of pharmacy shall cause said list to be published in the pharmaceutical and medical journals published and circulating within the state of Michigan and shall mail a copy of said list to every registered drug store within the state.

Sec. 5a. (1) No person shall obtain or attempt to obtain any barbituric acid and/or any of its derivatives, chloral hydrate, or paraldehyde, or procure or attempt to procure the administration of any of the aforementioned drugs, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of false name or the giving of a false address. (2) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this act. (3) No person shall, for the purpose of obtaining any of the aforementioned drugs, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian or other authorized person. (4) No person shall make or utter any false or forged label to a package containing any of the aforementioned drugs. (5) No person shall make or utter any false or forged prescription or false or forged written order.

§ 18.1106. Penalty for violation.

Sec. 6. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $500.00, or imprisonment in the county jail not more than 1 year, or both such fine and imprisonment in the discretion of the court.

§ 18.1107. Severability clause.

Sec. 7. Should any provision or section of this act be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining portion of such section or of this act, it being the legislative intent that this act shall stand, notwithstanding the invalidity of any such provision or section.

Approved April 17, 1943.

MANUFACTURE AND SALE OF DRUGS

An Act to prohibit and prevent adulteration, misbranding, fraud and deception in the manufacture and sale of drugs and drug products in the state of Michigan, and to provide for the enforcement thereof.

[Act 146, P. A. 1909.]

The People of the State of Michigan enact:

§ 6867. Section 1. No person shall within this state manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any drug or drug product which is adulterated or misbranded within the meaning of this act.

§ 6868. Sec. 2. The term "drug" as used in this act shall include all medicines and preparations recognized in the United States pharmacopoeia or national formulary for internal or external use, and any substance or mixtures of substances or devices intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

§ 6869. Sec. 3. An article shall be deemed to be adulterated within the meaning of this act:

First, If, when it is sold under or by a name recognized in the United States pharmacopoeia or national formulary, it differs from the standard or strength, quality or purity as determined by the test laid down in the United States pharmacopoeia or national formulary official at the time of investigation: Provided, That no drug defined in the United States pharmacopoeia or national formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the principal label of the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States pharmacopoeia or national formulary:

Second, If the strength or purity fall below the professed standard or quality under which it is sold.

§ 6870. Sec. 4. An article shall be deemed to be misbranded within the meaning of the act:

First, If it is an imitation of, or offered for sale under the name of another article;

Second, If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, antipyrin, opium, morphine, codeine, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation or any such substances contained therein: Provided, That nothing herein shall be construed to apply to the dispensing of prescriptions written by regularly licensed practicing physicians, veterinary surgeons and dentists, and kept on file by the dispensing pharmacist, nor to such drugs as are recognized in the United States pharmacopoeia and national formulary, and which are sold under the name by which they are so recognized;

Third, If the package containing it or its label shall bear any statement, design or device regarding the ingredients, or the substances contained therein, which statement, design or device shall be false or misleading in any particular, and to any drug or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced;

Fourth, If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such articles or any of the ingredients or substances contained therein, which is false and fraudulent.

§ 6871. Sec. 5. The board of pharmacy shall make such rules and regulations as may be necessary for the enforcement of this act.

Am. 1925, Act 48.

§ 6872. Sec. 6. It shall be the duty of the board of pharmacy to investigate all complaints of violations of this act and take all steps necessary to its enforcement; it shall appoint drug inspectors who shall be registered pharmacists. Such inspectors shall hold office at the pleasure of said board of pharmacy and until others are appointed and the said board of pharmacy or drug inspectors or any of them shall in a lawful manner inquire into the drug products which are manufactured or sold or exposed or offered for sale in this state, and may in a lawful manner procure samples of the same for analysis; and the said board of pharmacy, or said drug inspectors or any of them, shall have power to enter into any factory, store, salesroom, drug store or laboratory or place where he has reason to believe drug products are made, stored, sold or offered for sale, and open any cask, jar, bottle or package containing, or supposed to contain, any drug product, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or product in the presence of at least one witness, and he shall, in the presence of said witness, mark or seal such sample and shall tender at the time of taking to the manufacturer or vendor of such product, or to the person having the custody of the same, the value thereof, and a statement in writing for the taking of such sample. The said board of pharmacy shall request the state analyst to make due and careful examination of such sample and report to it the result of such analysis, and if the same is found to be adulterated or misbranded within the provisions of this act it shall be the duty of said board of pharmacy, or any drug inspector assigned to such duty, to make complaint against the manufacturer or vendor thereof in the proper county and furnish all evidence thereof to obtain a conviction of the offense charged, and in no case shall any party connected with the board of pharmacy making such complaint be required to furnish security for costs in any action instituted by said party or parties having for their object the enforcement of this act: Provided, Nothing herein contained shall be held to prohibit or prevent other inspectors or chemists connected with the board of pharmacy from performing any of the duties herein imposed upon the said drug inspectors or other parties, whenever in the opinion of said board of pharmacy the work of its office can be expedited thereby.

Am. Id.

§ 6873. Sec. 7. In construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person: Provided, That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty in accordance with the provisions of the national food and drugs acts, June thirtieth, nineteen hundred six, or a guaranty signed by the wholesaler, jobber, manufacturer or other parties residing in this state, from whom he purchased such article, to the effect that the same is not adulterated nor misbranded within the meaning of this act. Said guaranty to afford protection shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case, if such guaranty was given in this state, said party or parties shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this act: Provided, however, That said guaranty shall not afford protection to the vendor in any case if said product is adulterated or misbranded within the meaning of this act, and if said vendor shall have been previously notified in writing by the board of pharmacy to that effect: Provided further, That in no case shall the board of pharmacy serve such notice upon any vendor of any such product until said board of pharmacy shall have notified the manufacturer or jobber of any such product of the finding of the state analyst with reference to such product; such notification to such manufacturer or jobber shall be in writing and shall be mailed ten days previous to any notice sent to any vendor in accordance with this section.

Am Id.

§ 6874. Sec. 8. Nothing in this act shall affect any drug product manufactured in this state for export to any foreign country or for sale in any other state, when such drug product is not adulterated or misbranded within the meaning of the laws of such foreign country or state; but if said article shall be in fact sold or offered for sale for use or consumption within this state, then such article shall not be exempt from the operation of any of the provisions of this act.

§ 6875. Sec. 9. It shall be the duty of each prosecuting attorney, when called upon by the said board of pharmacy, or by any person by it authorized as aforesaid, to render any legal assistance in its power in proceedings under the provisions of this act or any subsequent act relative to the adulteration or misbranding of drug products.

Am. 1925, Act 48.

§ 6876. Sec. 10. Whoever shall do any of the acts or things prohibited, or wilfully neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both fine and imprisonment in the discretion of the court.

Sec. 11. Appropriation clause.

ADULTERATING AND MISBRANDING

(Extracts from Act 328, P. A. 1931.)

Sec. 16. Adulterating drugs or medicines in manner injurious to health. Any person who shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such manner as to render the same injurious to health, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than one year or by a fine of not more than five hundred dollars.

Sec. 18. Adulterating drugs or medicines so as to injuriously affect quality. Any person who shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or ingredients or materials so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same; and any person who shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered, shall be guilty of a misdemeanor.

POISONS

(Extracts from Act 328, P. A. 1931.)

Sec. 431. Retailers of poisons to mark same poisons and name antidote. Any apothecary, druggist or other person who shall sell and deliver at retail, any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous, without having the word "poison", and the true name thereof, and the name of some simple antidote, if any is known, written or printed upon a label attached to the vial, box, or parcel containing the same, shall be guilty of a misdemeanor.

Sec. 432. Recording sales of poisons. Every apothecary, druggist or other person who sells any arsenic, strychnine, corrosive sublimate, prussic acid or other poison, shall keep a record of the date of such sale, and the article and amount thereof sold, and the person or persons to whom delivered, and their residence, which record shall be open to the inspection of any police officer or physician during the business hours of each day and each and every neglect to keep such record as herein provided, shall be a misdemeanor.

Sec. 433. Giving false or fictitious name. Any person who shall give a false or fictitious name to the apothecary, druggist or other person from whom any poison mentioned in the next preceding section was purchased shall be guilty of a misdemeanor.

MANUFACTURE AND SALE OF POISONOUS FLY PAPER OR POISONOUS FLY KILLER

(Extracts from Act 328, P. A. 1931.)

Sec. 438. Manufacture, etc., of poisonous fly killers. Any person who shall manufacture, compound, sell or offer for sale, or cause to be manufactured, compounded, sold or offered for sale, any fly paper or other form of fly killer which contains arsenic or other poison in sufficient quantity to be dangerous to the life or health of persons,

unless the same, when so manufactured, compounded, sold or offered for sale, shall be so prepared, constructed or guarded that when in use said poisonous paper, substance, compound or solution shall be inaccessible to children or other persons who might eat, drink or swallow the same, or any portion thereof shall be guilty of a misdemeanor.

STANDARDS OF PURITY

An Act to define and fix standards of purity for foods, beverages, condiments, confectionery and drugs in this state in prosecutions arising under the food, beverage and drug laws of the state of Michigan.

[Act 64, P. A. 1913.]

The People of the State of Michigan enact:

§ 5443. Section 1. In all prosecutions arising under the food and drug laws of this state for the manufacture or sale of an adulterated, misbranded or otherwise unlawful article of food, drink, condiment or drug, the latest standards of purity for food products, established by the United States secretary of agriculture, shall be accepted as the legal standards, except in cases where other standards are especially prescribed by the laws of this state.

LICENSING VENDORS OF TOILET PREPARATIONS, ETC.

An Act to provide for the licensing and regulation of the sale of drugs, nostrums, face powders, face creams, face bleaches, face lotions, cosmetics, tooth powders, tooth pastes, dentifrices and other toilet preparations or ointments or applicants for the treatment of diseases, injuries or deformities by itinerant and traveling vendors or hawkers and to provide a penalty for the violation thereof. (a)

[Act 85, P. A. 1923.]

The People of the State of Michigan enact:

§ 9704. Section 1. Any itinerant or traveling vendor or hawker of any drug, nostrum, face powder, face cream, face bleach, face lotion, cosmetic, tooth powder, tooth paste, dentrifrice or other toilet preparation, or any ointment or application of any kind for the treatment of any disease, injury or deformity, before offering for sale or selling any such drug, nostrum, face powder, face cream, face bleach, face lotion, cosmetic, tooth powder, tooth paste, dentrifrice or other toilet preparation, or any ointment or application of any kind for the treatment of any disease, injury or deformity, shall pay to the director of the Michigan board of pharmacy an annual fee of twenty-five dollars, upon the receipt of which the said director shall issue a license for one year from the date of said payment.

§ 9705. Sec. 2. Itinerant or traveling vendors or hawkers under the meaning of this act shall include all persons who carry on the business described in section one hereof, by passing from house to house or haranguing the people on the public streets or in public places or by using any art or device for attracting crowds and therewith recommending their wares and offering them for sale or who travel from place to place and hire, lease or occupy any room, building or structure for the exhibition and sale of their wares.

(a) Title amended 1925, Act 147.

§ 9706. Sec. 3. Any violation of this act shall be a misdemeanor and any person upon conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

§ 9707. Sec. 4. Nothing in this act shall be construed to prevent the collection of any tax or license that may be imposed by any county, township or municipal authority.

§ 9708. Sec. 5. Nothing in this act contained shall be held or construed to affect sales by traveling representatives of regularly established jobbers or of manufacturers selling to the trade by sample for future delivery from their established place of business; nor any person selling products raised upon lands leased or owned by him; nor individuals handling vegetables, fruits or perishable farm products.

§ 9709. Sec. 6. Any person licensed under the provisions of this act shall not be required to obtain a state license as such vendor or hawker under any prior act.

FREE DISTRIBUTION OF MEDICINES

(Extract from Act 328, P. A. 1931.)

Sec. 447. Free distribution of medicines. Any person who shall, directly or indirectly, take part in the free distribution of any medicines of any kind and nature from house to house, or from any vehicle, shall be guilty of a misdemeanor.

IMMORAL ADVERTISING

(Extracts from Act 328, P. A. 1931.)

Sec. 34. Immoral advertising. Any person who shall advertise in his own name or in the name of another person, firm or pretended firm, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, periodical or other written or printed paper, or the owner, publisher or manager of any newspaper or periodical who shall permit to be published or inserted in any newspaper or periodical owned or controlled by him, an advertisement of the treating or curing of venereal diseases, the restoration of "Lost manhood" or "Lost vitality or vigor", or shall advertise in any manner that he is a specialist in diseases of the sexual organs, or diseases caused by sexual vice, self-abuse or in any diseases of like cause, or shall advertise in any manner any medicine, drug, compound, appliance or any means whatever whereby sexual diseases of men or women may be cured or relieved, or miscarriage or abortion produced, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than one year or by a fine of not more than five hundred dollars.

Sec. 35. Publishing and distributing immoral advertising. Any person publishing, distributing or causing to be distributed or circulated any of the advertising matter described in the next preceding section either in newspaper or other printed or written forms, shall be guilty of a misdemeanor and punished as provided in said next preceding section.

Sec. 36. Prima facie evidence of guilt. Any advertisement found in any newspaper, pamphlet or circular containing the words "Lost manhood", "Lost vitality or vigor" or other expressions synonymous therewith, shall be prima facie evidence of the guilt of the party or parties subscribing to the said advertisements, their agents or representatives, and the same penalties shall apply to the publishers of papers containing the same as prescribed in the next preceding section.

Sec. 37. Penalty construed. The next three preceding sections of this chapter shall not be construed as creating a penalty in addition to that specified in act number two hundred thirty-seven of the public acts of eighteen hundred ninety-nine, as amended, being sections six thousand seven hundred thirty-seven to six thousand seven hundred forty-seven, inclusive, of the complied laws of nineteen hundred twenty-nine, for the acts made unlawful therein.

(Extracts from Act 328, P. A. 1931.)

Sec. 39. Publication of virtues of patent medicines in immoral or ambiguous language. Any person who shall print, stamp, or engrave on any cards, bills or posters for public display or advertisement, or publish in any newspaper in the state of Michigan, the virtues or applications and its or their effects of any patent and other simple or compound medicine, in language of immoral tendency or of ambiguous character, shall be guilty of a misdemeanor. Each day that such publication appears shall be deemed a separate offense under this section.

Sec. 40. Publication in indecent language of cures for private diseases and conceptive preventatives. The publication or sale within this state of any circular, pamphlet or book containing recipes or prescriptions in indecent or obscene language for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures, or other compounds designed to prevent conception, or tending to produce miscarriage or abortion is hereby prohibited; and for each copy thereof, so published and sold, containing such prohibited recipes or prescriptions, the publisher and seller shall each be guilty of a misdemeanor.

ABORTION

(Extract from Act 328, P. A. 1931.)

Sec. 14. Administering drugs, etc., with intent to procure miscarriage. Any person who shall wilfully administer to any pregnant woman any medicine, drug, substance or thing whatever, or shall employ any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, unless the same shall have been necessary to preserve the life of such woman, shall be guilty of a felony, and in case the death of such pregnant woman be thereby produced, the offense shall be deemed manslaughter.

In any prosecution under this section, it shall not be necessary for the prosecution to prove that no such necessity existed.

Sec. 15. Selling drugs, etc., to produce abortion. Any person who shall in any manner, except as hereafter provided, advertise, publish, sell or publicly expose for sale any pills, powder, drugs or combination

of drugs, designed expressly for the use of females for the purpose of procuring an abortion, shall be guilty of a misdemeanor.

Any drug or medicine known to be designed and expressly prepared for producing an abortion, shall only be sold upon the written prescription of an established practicing physician of the city, village, or township in which the sale is made; and the druggist or dealer selling the same shall, in a book provided for that purpose, register the name of the purchaser, the date of the sale, the kind and quantity of the medicine sold, and the name and residence of the physician prescribing the same.

OWNERSHIP OF DRUG STORES

An Act to regulate the ownership of pharmacies, drug stores and apothecary shops, and to provide a penalty for the violation of the provisions of this act.

(Act 359, P. A. 1927.)

The People of the State of Michigan enact:

§ 6861. Section 1. Every pharmacy, drug store or apothecary shop shall be owned by a registered pharmacist and no partnership or corporation shall own a drug store, pharmacy or apothecary shop unless at least twenty-five per cent of all stock is held by registered pharmacists, except that any corporation, organized and existing under the laws of the state of Michigan, or any other state of the United States, authorized to do business in the State of Michigan and empowered by its charter to own and conduct pharmacies, drug stores or apothecary shops and which, at the time of the passage of this act, owns and conducts a drug store or stores, pharmacy or pharmacies, apothecary shop or shops in the state of Michigan may continue to own and conduct the same and may establish and own additional pharmacies, drug stores or apothecary shops in accordance with provisions of this article: Provided, That any such corporation which shall not continue to own at least one of the pharmacies, drug stores or apothecary shops theretofore owned by it, or ceases to be actively engaged in the practice of pharmacy in the state of Michigan, shall not be permitted thereafter to own a drug store, pharmacy or apothecary shop: And provided further, That any person not a registered pharmacist who at the time of the passage of this act owns a pharmacy, drug store or apothecary shop in the state of Michigan, may continue to own and conduct the same in accordance with existing laws and regulations: And provided further, That the administrator, executor or trustee of the estate of any deceased owner of a pharmacy, drug store or apothecary shop, or the widow, heirs or next of kin of such deceased owner may continue to own and conduct such pharmacy, drug store or apothecary shop in accordance with existing laws and regulations: Provided further, That this act shall not apply to stores or shops in which patent or proprietary medicines and ordinary domestic or household remedies, such as the sale of is provided for in section eighteen of act number one hundred thirty-four, public acts of eighteen hundred eighty-five, are the only drugs and medicines sold at retail.

§ 6862. Sec. 2. Any individual, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and

upon conviction shall be subject to a fine of not less than five hundred dollars and cost of prosecution.

Approved June 2, 1927.

(Extracts from Act 328, P. A. 1931.)

Sec. 434. Marking containers of wood alcohol, etc.—Any person who shall sell, offer for sale, give away, deal in or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in or supply any methanol (otherwise known as wood naphtha, wood alcohol or methyl alcohol) or completely denatured alcohol, either crude or refined, unless the container in which the same is sold, offered for sale, given away, dealt in or supplied shall have lithographed or imprinted upon said container or upon a label pasted upon said container the following device and words, in bold characters in red color on white, viz.:

(Skull and cross-bones represented)

POISON

SHALL BE GUILTY OF A MISDEMEANOR

Sec. 435. Label on completely denatured alcohol container—Any person who shall sell, offer for sale, give away, deal in or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in or supply any completely denatured alcohol unless the container in which the same is sold, offered for sale, given away, dealt in or supplied shall have lithographed, imprinted or pasted upon said container the "poison" label prescribed by the federal government under the provisions of the national prohibition act, or any supplement thereto or amendment thereof, shall be guilty of a misdemeanor: Provided, however, That the provisions of this section shall not apply to completely denatured alcohol transferred from manufacturers' or dealers' storage tanks directly to the radiators of automotive vehicles.

SALE OF CLINICAL THERMOMETERS

(Extracts from Act 328, P. A. 1931.)

Sec. 469. Selling clinical thermometers—Any person, dealer, agent or employe of any corporation, who shall directly or indirectly use, sell or offer for sale, give away or offer to give away, any clinical thermometer that does not comply with the definition stated in this section for a standard clinical thermometer, shall be guilty of a misdemeanor.

A standard clinical thermometer is a certified thermometer and is one that registers accurately at every reading and is standardized by the United States bureau of standards for thermometers. These thermometers must not have a variance of over two-tenths of a degree. All clinical thermometers that are used or sold must comply with the United States bureau of standards. If there is a correction there must be a correction slip on the certificate that goes with the thermometer, showing either minus or plus to the amount of the correction but the variance must not exceed two-tenths of a degree.

The board of pharmacy shall make such rules and regulations as may be necessary for the enforcement of this section. It shall be the duty of said board of pharmacy to investigate all complaints under

this section and take all steps necessary to its enforcement: Provided, That no person, dealer, or employe of any corporation shall be prosecuted under the provisions of this section when he can establish a guarantee, signed by a wholesaler, jobber, manufacturer or other parties residing in this state, from whom such thermometer or thermometers were purchased, to the effect that the said clinical thermometer or thermometers so purchased were certified to comply with the next preceding paragraph of this section.

Rules and Regulations Governing the Sale of Clinical Thermometers In this State.

Section 469 of Act 328 P. A. of 1931, provides, that the Board of Pharmacy shall make such rules and regulations as may be necessary for the enforcement of this act.

Rule 1. **General.**—All materials and workmanship shall be first class in every respect.

Rule 2. **Material.**—The bulbs shall be made of Corning normal, Jena 16III normal, or other approved glass that has been found equally satisfactory for thermometric purposes. The bulbs shall be approximately cylindrical. The stems shall be made of enamel-backed tubing. The tubes shall be straight, of uniform diameter and free from defects. The mercury used shall be clean and pure, and the thermometer shall be filled in such a manner that the mercury will be free from entrapped gas.

Rule 3. **Graduation Marks and Numbering.**—Thermometers should be aged for a period of not less than four months before determining the exact degree points, and should then be graduated to register temperature in conformity with the scale of the Michigan clinical standard thermometer. The graduated scale shall be of such length that no more than ten degrees F. shall occupy the space of one linear inch. The graduating should be done on a good dividing engine. The marks made in pointing shall not be such as to cause a widening of the graduation lines near the center. The width of the graduation marks shall not be more than one-fifth nor less than one-tenth of the length of a graduation interval. The marks shall be regularly spaced, of uniform width, and shall be straight and perpendicular to the axis of the stem. They shall be uniformly filled with a coloring matter which is not removable by being submersed in a five per cent phenol solution for one hour. The graduations shall be numbered at each even degree mark, the numbers being so placed as to be upright when the thermometer is held horizontally. The numbers shall be clear and easily legible, and so placed as to indicate definitely to which mark they belong.

Rule 4. **Identification.**—The maker's name, initials or trade-mark, and a serial number, shall be engraved on each thermometer for purposes of identification, together with any distinctive name, number, or brand under which such instrument is advertised or sold, and no other advertisement to appear on any thermometer.

Rule 5. **Factory Test.**—The manufacturer's standards used in testing for accuracy shall be compared with the Michigan state clinical

standard thermometer, or certified by the United States bureau of standards and approved by the director of the Board of Pharmacy. The manufacturer shall also submit to the director for his approval two or more representative samples of each type or kind of thermometer to which he desires to affix the manufacturer's seal. These samples should comply in every particular with the specifications included in this pamphlet. When the director approves of the samples submitted he shall assign a designating mark or number which shall thereafter be permanently engraved upon all clinical thermometers of that particular kind made by that manufacturer and shall retain one of the samples for future reference.

Rule 6. Before affixing the authorized seal-mark to any thermometer, the manufacturer, either by himself or by his servants or agents, shall critically examine the same for defects of construction, such as the presence of air bubbles or moisture in the mercury or in the capillary bore, cracks in the glass, defective graduation, etc. The operation of the registering device shall also be tested to see that the index is neither too easy or too difficult to throw back, a centrifugal machine conforming to the United States bureau of standards specifications being used for this purpose, so that the same degree of force may be applied in each instance.

Rule 7. Thermometers which have passed these preliminary tests shall then be tested for accuracy of reading at 98°, 102°, 106° F. (37°, 39°, and 41° C.) If the instrument is found correct within + or — 0.2° F. (0.1° C.) at all points tested, and shows no greater error on successive tests at these points and shows no error over 0.3° F. (0.2° C.) between any two test points, the manufacturer's seal may be affixed and the instrument may be legally sold or offered for sale in this State without further test.

Rule 8. Each clinical thermometer sealed by the manufacturer shall be plainly engraved with the abbreviation "Mich." followed by the designating mark in plain capital letters or numbers, block style, not less than 1/16 inch in height. This marking shall invariably be preceded by the serial number hereinafter described.

Every clinical thermometer sealed by the manufacturer shall bear a serial number by which such thermometer may be readily identified. This number shall be legibly engraved by the machine on the back of the thermometer near the mercury bulb, so as to prevent masking of the number when a metallic cap or holder is attached, and shall be of block type consistent in size with that used in the seal-mark unless some other type has been expressly approved in any particular case by the Director of the Board of Pharmacy

Rule 9. **Certification of Thermometers.**—In order to be certified as correct by the director of the Board of Pharmacy a clinical thermometer shall meet the requirements as given above under the headings of "General", "Material", "Graduation Marks and Numbering" and "Identification", and shall meet the requirements regarding lack of defects in construction, absence of air bubbles, tests for accuracy of grading, etc., as there given.

Rule 10. The Michigan Board of Pharmacy may order confiscated

and destroyed any clinical thermometer that does not comply with the standard requirements.

Rule 11. The Michigan Board of Pharmacy will issue a permit to manufacturers, whose thermometers are sold in this state, who comply with the law and with the rules promulgated by the above Board.

Rule 12. The Michigan Board of Pharmacy reserves the right to cancel any permit issued by it, in the event of a second conviction, for the sale of clinical thermometers manufactured by a person, corporation or otherwise to whom such permit has been issued.

Rule 13. The sealing of colored-bulb thermometers by any manufacturer will not be authorized until such time as a colored glass suitable for that purpose has been perfected and approved. The use of "colored tops" is permissible.

Rule 14. Clinical thermometers are to be furnished by the manufacturers, only as called for.

DEFINITION

Rule 1. All complaints of the violation of the pharmacy and drug acts should be referred to the director of the board, or to some member of the board.

Rule 2. The term "drug" shall include all medicines and preparations recognized in the United States pharmacopoeia or national formulary, for internal or external use, and any substance, or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Rule 3. The term "pharmacy" shall be deemed to embrace every place in which drugs, medicines, or poisons are retailed or dispensed, or physician's prescriptions are compounded as provided in the pharmacy act.

Rule 4. The term "original package" shall be construed to mean the original package, carton, case, can, box, barrel, bottle, vial, or other receptacle, put up by the manufacturer, to which the label is attached or which may be suitable for the attachment of a label, making one complete package of the drug article. The original package contemplated includes both the wholesale and retail package.

Rule 5. The term temporary absence as used in Act 134, P. A. 1885, Sec. 10, as amended, is construed to mean absence reasonable for time required to go to meals or to barber shop or to bank or to do necessary errands not consuming over two hours' time.

EXAMINATIONS, CERTIFICATES, FEES, ETC.

Rule 6. Each applicant for registration as a pharmacist's apprentice shall be at least sixteen years of age; shall have completed tenth grade work in the public schools or its equivalent; shall file an official application on a blank to be furnished by the board; said application to be accompanied by the filing fee of one dollar. No credit for prac-

tical apprenticeship may be allowed by the board until the applicant has complied with this regulation.

No credit for practical apprenticeship may be allowed by the board if the applicant is attending a college of pharmacy, junior college or college of arts if credits earned at such college are to be transferred to a college of pharmacy and advance credit be received therefor.

This shall be interpreted to mean that credit for practical apprenticeship and for college work cannot be earned simultaneously and shall apply also to the applicant who is compelled to attend college during vacation periods in order to make up work which was failed or not completed during a previous term or semester. Under no circumstances may double time credit be allowed.

Rule 7. Each applicant for examination as a pharmacist shall be at least twenty-one years of age or at his nearest birthday; shall have graduated from an accredited and recognized college of pharmacy; shall have filed with the board an official application on a blank to be furnished by the board, accompanying the same with the prescribed fee of twenty dollars for a first examination and ten dollars for each subsequent examination.

The board shall require that at least twenty-seven months of the total required forty-eight months be spent in residence work at a college of pharmacy: Provided, That the holders of degrees who later matriculate at a college of pharmacy may be required to attend such college of pharmacy for eighteen months only, but all such deviations shall have the written approval of the director for the board previous to the date of matriculation of said college of pharmacy.

This regulation shall be interpreted to mean that only one year or nine months of advance credit may be earned at a junior college and that only two years or eighteen months of advance credit may be earned at any literary or other college. Colleges of pharmacy may accept any credits they desire and give advance credits toward graduation but the Michigan Board of Pharmacy shall demand of its applicants at least two years or eighteen months of residence work from holders of degrees and at least three years or twenty-seven months of residence work from all others.

Rule 8. Applicants for registration as pharmacists shall have passed an examination satisfactory to the board; and shall have paid the required certificate fee of twenty dollars. A satisfactory examination shall be one in which the applicant makes an average grade of 75% with a minimum of 60% in an examination covering pharmaceutical mathematics, pharmacy, materia medica, practical prescriptions and chemistry. All applicants who do not pass a satisfactory examination shall be re-examined in all subjects at some subsequent examination.

Rule 9. Pharmacist's apprentice. Whenever a registered pharmacist takes into his employ, or under his instruction, an apprentice, who desires to qualify himself as registered pharmacist, he shall require such apprentice to apply to the board for registration, and the board, upon satisfactory evidence of the good character and educational qualifications of the apprentice, will issue to the applicant a certificate as a "pharmacist's apprentice."

Rule 10. Certificates from other states. The board may, without examination of the applicant, issue a certificate as registered pharmacist, when the applicant presents satisfactory proof to the board that upon examination he has been duly licensed or registered as a registered pharmacist, in any other state or territory in the United States, or in the District of Columbia; that his qualifications are such as entitle him to the certificate; that the standards of such state or territory, or District of Columbia in such matters are equal to those required in this state, and that such state, territory, or District of Columbia accords similar recognition to the licentiates of this state.

Rule 11. Fees. A fee of $20.00 shall accompany the application of a candidate for registered pharmacist's certificate. Upon notice that the applicant was successful a certificate fee of $20.00 will be required. Applicants for reciprocal registration will be required to pay a certificate fee of $50.00. Application for re-examination as registered pharmacist will be required to pay a fee of $10.00. An application for registered pharmacist's apprentice shall be accompanied by a fee of $1.00.

Rule 12. All persons who are entitled to a registered pharmacist's certificate who hold a certificate as a registered assistant pharmacist must send such registered assistant pharmacist's certificate to the director of the board before a registered pharmacist's certificate may be issued.

Rule 13. Any person making application for reciprocal registration must present said application to the director of the board, and if said application is properly filled out, meeting all requirements of the board, then the director will notify said applicant to appear before the board in person. If said application is accepted by the board a certificate will be issued him.

Rule 14. Any registered pharmacist or registered assistant pharmacist whose certificate has been lost or destroyed may procure a duplicate from the director of the board by filing an affidavit that said certificate has been lost or destroyed, upon payment of a fee of $2.00.

DRUG STORES, DRUG DEALERS, ETC.

Rule 15. Drug stores are required to be licensed.

(a) Drug stores moving to new locations are required to notify the board, giving the street and number of the new location, also the number of their drug store license. A new license will be issued bearing the new address without charge.

(b) Partnerships or corporations applying for new drug store licenses are required to file certified copies of articles of partnership or incorporation before a license may be issued.

(c) No person shall operate a drug store until a license has first been secured from the board.

Rule 16. Applications for drug store license can be secured from the director and must be filed with him accompanied by the fee of $3.00.

Rule 17. Drug store licenses shall be renewed on or before July first of each fiscal year. The board will ask for warrants for illegal operation of all drug stores which have not renewed their license by August first of any fiscal year. No transfer of ownership shall be recognized until all arrearages of the board are paid. A penalty fee of $1.00 per month will be assessed on all drug store licenses in arrears.

Rule 18. Display of certificates and licenses. Every holder of a certificate or license from the board shall, at all times, keep the same posted conspicuously in the place where he does business, and, when he changes his place of business, he shall promptly give written notice of such change to the director of the board, who shall keep a record thereof, and, if he fails to give such notice, within thirty days after the change, the certificate or license held by him shall thereby be suspended and inoperative, but subject, however, to re-instatement. Every proprietor, owner or manager of a pharmacy shall at all times require registered pharmacists or registered assistant pharmacists in their employ to post their certificates of registration in a conspicuous place convenient for public inspection, in the place where he does business.

ADULTERATION AND MISBRANDING OF DRUGS

Rule 19. Guaranty.

(a) If an article of drug be guaranteed, such guaranty to afford protection shall be signed by, and shall contain the name and address of, the wholesaler, manufacturer, jobber, dealer, or other party residing in the United States making the sale of the article or articles covered by it to the dealer, and shall be to the effect that such article or articles are not adulterated or misbranded within the meaning of Act 146, Public Acts of 1909.

(b) If a particular guaranty in respect to any article or articles be given, it should be incorporated in or attached to the bill of sale, invoice, bill of lading, or other schedule, giving the name and quantity of the article or articles sold, and shall not appear on the label or package.

Rule 20. Standard for drugs.

(a) Proprietary medicinal preparations and similar medicinal products are required to conform in composition to the freshly prepared, non-deteriorated article, and to conform to the claims made for the preparation as to therapeutic properties, quality and strength.

Rule 21. Labels.

(a) The term "labels" as used in the act, includes any legend or descriptive matter of design appearing upon the article or its container, and also includes circulars, pamphlets, and the like which are packed and go with the article to the purchaser, and such letters, circulars and pamphlets to which reference is made either on the label attached to the package, or on the package itself.

(b) The label shall bear, plainly and conspicuously displayed without intervening descriptive matter, all the information specifically re-

quired by the law and regulations thereunder.

(c) A label in a foreign language shall conform to these regulations and shall bear all the information required by the law in English, as well as in each of the foreign languages used to describe the article.

(d) The label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place or origin, which is false or misleading in any particular. The terms "design" and "device" include abbreviations, characters, signs and pictorial matter of any description.

(e) The use of a geographical name shall not be permitted in connection with a drug product not manufactured or produced in that place, which such name indicates that the article was manufactured or produced in that place.

(f) A drug product shall not be labeled or branded in such a manner as to deceive or mislead the purchaser. Direct misstatements and indirect misrepresentation regarding the article or its ingredients by means of designs, printed testimonials, devices, or artifices in the arrangement, style or dress of the package, or in the arrangement of the printed or pictorial matter in or upon the label or package are prohibited.

(g) An article containing more than one active medicinal agent is misbranded if named after a single constituent. The nomenclature employed by a United States pharmacopoeia or national formulary shall obtain.

(h) The statement of the formula is not required on the label except insofar as may be necessary to prevent adulteration or misbranding.

(i) An article which under the law or regulations requires special labeling must carry such label, not only on the original package but on all lots removed for display of the goods or for the convenience of handling.

(j) Any article which under the preceding provision does not require labeling must not be sold, exhibited or offered for sale in such a manner as to be liable to mislead or deceive the purchaser. Deception or misleading oral statements regarding the nature or quality of unlabeled goods are prohibited.

Rule 22. Name and address of manufacturer.

(a) When the name of the manufacturer, jobber, wholesaler, dealer or agent appears on the label, it must be the true name of the actual manufacturer, producer, jobber, wholesaler, dealer or agent.

(b) When the place of manufacture or production is given, it must be correctly stated.

(c) When a person, firm or corporation actually manufactures or produces a drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label, except when the mention of any place, to the exclusion of the others, deceives or misleads.

(d) The words "packed for, prepared for, distributed by" or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or pro-

ducer, or the name of the place, not the actual place of manufacture or production.

Rule 23. Character of name.

(a) A simple or unmixed drug product shall be sold by its common name in the English language; or if it is a drug recognized in the United States pharmacopoeia or national formulary, by the names therein designated.

(b) A geographical name indicating that a drug product was manufactured or produced in a specific place shall not be used unless such product was manufactured or produced in that place.

(c) A name which is distinctive of a product of a specific foreign country shall not be used upon an article not manufactured or produced in that country, except as an indication of the type or style of quality or manufacture, and then only when the product possesses substantially the characteristic qualities of the product of that foreign country. Such name shall be so qualified as to remove any impression that the article was manufactured or produced in the country in which the name is distinctive.

Rule 24. Substances required to be stated on the label.

(a) A drug is misbranded if it fails to bear a statement on the label of the quantity or proportion of alcohol of any kind, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substances therein contained. Such statement shall be made in a plain and conspicuous manner.

(b) In declaring the quantity or proportion of any of the substances specified in paragraph (a) of this regulation, the names by which they are designated in the act shall be used. In declaring the quantity or proportion of derivatives of any of the specified substances in addition to the trade name of the derivative the name of the specified substance shall also be stated so as to indicate clearly that the product is a derivative of that particular specified substance.

(c) The quantity of alcohol in a drug shall be stated in terms of the average percentage by volume of absolute alcohol in the finished product. The term "alcohol" without qualification means ethyl alcohol. If any alcohol other than ethyl alcohol be present in a drug, the kind must be stated on the label.

(d) In a liquid, the quantity of any substance required by law or by these regulations to be declared upon the label, except alcohol, shall be stated in terms of the metric system, or in terms of grains or minims per fluid ounce, and in a solid substance in terms of the metric system or in terms of grains or minims per avoirdupois ounce.

(e) When two or more pills, wafers, tablets, powders, capsules, or the like are put up for sale for distribution in the same container, there shall be stated on the container the quantity present in each pill, wafer, tablet, powder, capsule, or other unit, of any substance required by law to be declared except on prescription.